

1 A bill to be entitled
2 An act relating to state ethics reform; repealing s.
3 11.061, F.S., relating to state, state university, and
4 community college employee lobbyists; amending s.
5 112.313, F.S.; revising applicability of certain
6 provisions relating to contractual relationships;
7 prohibiting public officers or employees of an agency
8 from soliciting specified employment or contractual
9 relationships; providing an exception; requiring
10 certain offers and solicitations of employment or
11 contractual relationships to be disclosed to certain
12 persons; requiring such solicitations to be disclosed
13 to the Commission on Ethics in certain circumstances;
14 authorizing the commission to investigate such
15 disclosures; prohibiting specified persons from
16 certain compensated representation for a specified
17 period following vacation of office; deleting
18 provisions prohibiting former legislators from acting
19 as lobbyists before certain entities and persons for a
20 specified period following vacation of office;
21 providing applicability; creating s. 112.3181, F.S.;
22 prohibiting statewide elected officers and legislators
23 from soliciting employment offers or investment advice
24 arising out of official or political activities;
25 providing exceptions; prohibiting such officers or

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26 | legislators from soliciting or accepting investment
27 | advice from or soliciting or entering into certain
28 | profitmaking relationships with lobbyists or
29 | principals; providing definitions; requiring lobbyists
30 | and principals to disclose certain prohibited
31 | solicitations to the commission; authorizing the
32 | commission to investigate such disclosures; providing
33 | disclosure requirements; requiring the commission to
34 | publish disclosures on its website; authorizing the
35 | commission to adopt forms and rules; amending s.
36 | 112.3185, F.S.; revising and providing definitions;
37 | prohibiting certain officers and employees from
38 | soliciting employment or contractual relationships
39 | from or negotiating employment or contractual
40 | relationships with certain employers; providing
41 | exceptions; requiring disclosure of certain offers of
42 | employment or contractual relationships; providing
43 | construction; amending s. 112.3215, F.S.; revising
44 | definitions; defining the term "principally employed
45 | for governmental affairs"; requiring lobbyists to
46 | electronically register with the commission; revising
47 | lobbyist registration, compensation report, principal
48 | designation cancellation, and investigation
49 | requirements; authorizing the commission to dismiss
50 | certain complaints and investigations; amending s.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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420.5061, F.S.; conforming a provision to changes made
by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 11.061, Florida Statutes, is repealed.

Section 2. Subsection (7), paragraph (a) of subsection
(9), and subsection (15) of section 112.313, Florida Statutes,
are amended to read:

112.313 Standards of conduct for public officers,
employees of agencies, and local government attorneys.—

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) A ~~No~~ public officer or employee of an agency may not
~~shall~~ have or hold any employment or contractual relationship
with any business entity or any agency that ~~which~~ is subject to
the regulation of, or is doing business with, an agency of which
he or she is an officer or employee, excluding those
organizations and their officers who, when acting in their
official capacity, enter into or negotiate a collective
bargaining contract with the state or any municipality, county,
or other political subdivision of the state. Such; ~~nor shall an~~
officer or employee also may not ~~of an agency~~ have or hold any
employment or contractual relationship that will create a
continuing or frequently recurring conflict between his or her
private interests and the performance of his or her public

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76 duties or that would impede the full and faithful discharge of
77 his or her public duties.

78 1. When the agency referred to is a ~~that certain kind of~~
79 special tax district created by general or special law and is
80 limited specifically to constructing, maintaining, managing, and
81 financing improvements in the land area over which the agency
82 has jurisdiction, or when the agency has been organized under
83 ~~pursuant to~~ chapter 298, ~~then~~ employment with, or entering into
84 a contractual relationship with, such a business entity by a
85 public officer or employee of such an agency is ~~shall~~ not ~~be~~
86 prohibited by this subsection or ~~be~~ deemed a conflict ~~per se~~.
87 However, conduct by such officer or employee that is prohibited
88 by, or otherwise frustrates the intent of, this section is ~~shall~~
89 ~~be deemed~~ a conflict of interest in violation of the standards
90 of conduct set forth by this section.

91 2. When the agency referred to is a legislative body and
92 the regulatory power over the business entity resides in another
93 agency, or when the regulatory power that ~~which~~ the legislative
94 body exercises over the business entity or agency is strictly
95 through the enactment of laws or ordinances, ~~then~~ employment
96 with, or entering into a contractual relationship with, such a
97 business entity by a public officer or employee of such a
98 legislative body is ~~shall~~ not ~~be~~ prohibited by this subsection
99 or ~~be~~ deemed a conflict based on the regulatory power of the
100 legislative body, unless prohibited or deemed a conflict by

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101 another law.

102 (b) This subsection does ~~shall~~ not prohibit a public
103 officer or employee from practicing in a particular profession
104 or occupation when such practice by persons holding such public
105 office or employment is required or permitted by law or
106 ordinance.

107 (c)1. A public officer or employee of an agency may not
108 solicit any employment or contractual relationship prohibited by
109 this subsection, except as expressly permitted in s. 112.3185.

110 2. If a public officer or employee of an agency, or a
111 person acting on his or her behalf, violates subparagraph 1.,
112 the solicited business entity or agency must disclose such
113 solicitation to the head of the officer's or employee's agency.
114 If such solicitation is by or on behalf of the head of the
115 agency or a member of a body that is the head of the agency, the
116 solicited business entity or agency must disclose such
117 solicitation to the commission. The commission may investigate
118 such disclosure as if it were a valid complaint under this part.

119 (d) A public officer or employee of an agency must
120 disclose to the head of his or her agency, the general counsel
121 or inspector general of his or her agency, or any other officer
122 or attorney designated by the head of his or her agency any
123 offer of employment or contractual relationship that is
124 prohibited by this subsection.

125 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR

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LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker

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151 of the House of Representatives, the Senate Majority Party
152 Office, Senate Minority Party Office, House Majority Party
153 Office, or House Minority Party Office; or any person, hired on
154 a contractual basis, having the power normally conferred upon
155 such persons, by whatever title.

156 (V) The Chancellor and Vice Chancellors of the State
157 University System; the general counsel to the Board of Governors
158 of the State University System; and the president, provost, vice
159 presidents, and deans of each state university.

160 (VI) Any person, including an other-personal-services
161 employee, having the power normally conferred upon the positions
162 referenced in this sub-subparagraph.

163 b. "Appointed state officer" means any member of an
164 appointive board, commission, committee, council, or authority
165 of the executive or legislative branch of state government whose
166 powers, jurisdiction, and authority are not solely advisory and
167 include the final determination or adjudication of any personal
168 or property rights, duties, or obligations, other than those
169 relative to its internal operations.

170 c. "State agency" means an entity of the legislative,
171 executive, or judicial branch of state government over which the
172 Legislature exercises plenary budgetary and statutory control.

173 3.a. A ~~No~~ member of the Legislature, appointed state
174 officer, or statewide elected officer may not ~~shall~~ personally
175 represent another person or entity for compensation before the

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176 government body or agency of which the individual was an officer
177 or member for a period of 2 years following vacation of office.
178 A ~~No~~ member of the Legislature may not ~~shall~~ personally
179 represent another person or entity for compensation during his
180 or her term of office before any state agency other than
181 judicial tribunals or in settlement negotiations after the
182 filing of a lawsuit.

183 b. For a period of 2 years following vacation of office, a
184 former member of the Legislature may not act as a lobbyist for
185 compensation before an executive branch agency, agency official,
186 or employee. The terms used in this sub-subparagraph have the
187 same meanings as provided in s. 112.3215.

188 4. An agency employee, including an agency employee who
189 was employed on July 1, 2001, in a Career Service System
190 position that was transferred to the Selected Exempt Service
191 System under chapter 2001-43, Laws of Florida, may not
192 personally represent another person or entity for compensation
193 before the agency with which he or she was employed for a period
194 of 2 years following vacation of position, unless employed by
195 and representing another state agency ~~of state government~~.

196 5. Any person violating this paragraph is ~~shall be~~ subject
197 to the penalties provided in s. 112.317 and a civil penalty of
198 an amount equal to the compensation which the person receives
199 for the prohibited conduct.

200 ~~6. This paragraph is not applicable to:~~

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201 ~~a. A person employed by the Legislature or other agency~~
202 ~~prior to July 1, 1989;~~

203 ~~b. A person who was employed by the Legislature or other~~
204 ~~agency on July 1, 1989, whether or not the person was a defined~~
205 ~~employee on July 1, 1989;~~

206 ~~c. A person who was a defined employee of the State~~
207 ~~University System or the Public Service Commission who held such~~
208 ~~employment on December 31, 1994;~~

209 ~~d. A person who has reached normal retirement age as~~
210 ~~defined in s. 121.021(29), and who has retired under the~~
211 ~~provisions of chapter 121 by July 1, 1991; or~~

212 ~~e. Any appointed state officer whose term of office began~~
213 ~~before January 1, 1995, unless reappointed to that office on or~~
214 ~~after January 1, 1995.~~

215 (15) (a) ADDITIONAL EXEMPTION.—~~An~~ ~~no~~ elected public officer
216 may not shall be held in violation of subsection (7) if the
217 officer maintains an employment relationship with an entity
218 which is currently a tax-exempt organization under s. 501(c) of
219 the Internal Revenue Code and which contracts with or otherwise
220 enters into a business relationship with the officer's agency
221 and:

222 1.(a) The officer's employment is not directly or
223 indirectly compensated as a result of such contract or business
224 relationship;

225 2.(b) The officer has in no way participated in the

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226 agency's decision to contract or to enter into the business
227 relationship with his or her employer, whether by participating
228 in discussion at the meeting, by communicating with officers or
229 employees of the agency, or otherwise; and

230 3.(e) The officer abstains from voting on any matter which
231 may come before the agency involving the officer's employer,
232 publicly states to the assembly the nature of the officer's
233 interest in the matter from which he or she is abstaining, and
234 files a written memorandum as provided in s. 112.3143.

235 (b) This subsection does not apply to an elected public
236 officer who begins his or her term of office on or after October
237 1, 2021.

238 Section 3. Section 112.3181, Florida Statutes, is created
239 to read:

240 112.3181 Additional standards for statewide elected
241 officers and legislators.—

242 (1) A statewide elected officer or member of the
243 Legislature may not solicit an employment offer or investment
244 advice arising out of official or political activities engaged
245 in while he or she is an officer or legislator, or a candidate
246 for such office, except in the following circumstances:

247 (a) The officer or legislator may solicit or accept future
248 employment, including professional partnerships, in the last 180
249 days of his or her term of office if he or she is ineligible to
250 run for reelection or has publicly announced, and filed a letter

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251 or other written notice with the qualifying officer with whom
252 reelection qualification papers are filed, that he or she is not
253 and does not intend to become a candidate for reelection.

254 (b) The officer or legislator may solicit or accept
255 employment from any prospective employer in a profession or
256 occupation in which he or she has formerly engaged, has been
257 formally educated or trained, or is licensed unless such
258 employment is prohibited by other general law.

259 (2) A statewide elected officer or member of the
260 Legislature may not solicit or accept investment advice from or
261 solicit or enter into an investment, joint venture, or other
262 profitmaking relationship with a lobbyist or principal, as those
263 terms are defined in s. 11.045 or s. 112.3215. However, the
264 officer or legislator may buy or sell listed, publicly traded
265 securities of a principal without the advice of a lobbyist or
266 principal unless such action violates s. 112.313. For purposes
267 of this section, the phrase "investment, joint venture, or other
268 profitmaking relationship" does not include an employment
269 relationship or any enterprise organized to employ or engage the
270 personal services of individuals, including the officer or
271 legislator. For purposes of this section, the terms "investment
272 advice" and "profitmaking relationship" do not include a client
273 relationship with a licensed investment broker, licensed
274 investment advisor, or similarly licensed professional to whom
275 the officer or legislator pays ordinary and reasonable fees for

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276 services, regardless of such broker's, advisor's, or
277 professional's status as a principal of a lobbyist or a
278 nonlobbyist employee of such principal.

279 (3) A lobbyist or principal who receives a solicitation
280 prohibited by this section, by or on behalf of a statewide
281 elected officer or member of the Legislature, must disclose such
282 solicitation to the commission. Any other person who receives
283 such solicitation may disclose such solicitation to the
284 commission. The commission may investigate any disclosure under
285 this subsection as if it were a valid complaint under this part.

286 (4) (a) A statewide elected officer or member of the
287 Legislature must file a written disclosure with the commission
288 upon acceptance of the following:

289 1. New employment with or increased compensation from an
290 entity that receives state funds directly by appropriation;

291 2. New employment with or increased compensation from an
292 agency;

293 3. New employment with or increased compensation from a
294 lobbyist, principal of a lobbyist, or lobbying firm; or

295 4. New employment, the offer of which arose out of
296 official or political activities engaged in while he or she was
297 a statewide elected officer, member of the Legislature, or
298 candidate for such office.

299 (b) The disclosure must identify the applicable
300 subparagraph of paragraph (a) and the employer, position, salary

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301 or other compensation, and effective date of employment or
302 increased compensation. Such disclosure must be filed within 30
303 days after he or she accepts the employment or increased
304 compensation or before the effective date of employment or
305 increased compensation, whichever date is earliest. With respect
306 to employment or increased compensation accepted or effective
307 between December 31, 2020, and July 1, 2021, the officer or
308 legislator must file such disclosure within 30 days after July
309 1, 2021. The commission shall publish such disclosures with the
310 officer's or legislator's full and public disclosure of
311 financial interests on its website. The commission may adopt
312 forms for disclosure and may adopt rules requiring electronic
313 submission of the disclosure required by this subsection.

314 Section 4. Subsection (7) of section 112.3185, Florida
315 Statutes, is renumbered as subsection (8), subsection (1) and
316 present subsection (8) are amended, and a new subsection (7) is
317 added to that section, to read:

318 112.3185 Additional standards for state officers and
319 agency employees.—

320 (1) For the purposes of this section:

321 (a) "Contractual services" shall be defined as set forth
322 in chapter 287.

323 (b) "Agency" means any state officer, department, board,
324 commission, or council of the executive, legislative, or
325 judicial branch of state government and includes the Public

326 Service Commission.

327 (c) "Covered officer" means a state officer who is serving
328 in a position that is not an elective position. The term does
329 not include a person who is appointed to fill an unexpired term
330 of an elective office.

331 (d) "Negotiate" or "negotiation" means a response to an
332 offer or solicitation of offers of an employment or contractual
333 relationship, including the submission of a resume, an
334 application, or any other information demonstrating interest on
335 the part of a prospective employee and interviewing or engaging
336 in other communication intended to lead to an offer or
337 acceptance of an employment or contractual relationship.

338 (e) "Reporting employee" means any agency employee who is
339 a reporting individual or procurement employee, as those terms
340 are defined in s. 112.3148.

341 (f) "Restricted employer," with respect to any state
342 officer or agency employee, means any entity that does business
343 with or is subject to regulation by an agency employing the
344 covered officer or reporting employee and any person or entity
345 from whom the covered officer or reporting employee may not
346 solicit a gift under s. 112.3148(3).

347 (g) "Subject to regulation by an agency" means subject to
348 regulation by agency action, as defined in s. 120.52(2) or its
349 substantial equivalent. The term does not include regulatory
350 power exercised strictly through the enactment of general laws.

351 (7) A covered officer or reporting employee who is
352 employed in such position on or after July 1, 2021, may not
353 solicit an employment or contractual relationship from or
354 negotiate an employment or contractual relationship with a
355 restricted employer except as provided in this section.

356 (a) A covered officer or reporting employee may solicit a
357 future employment or contractual relationship from or negotiate
358 a future employment or contractual relationship with a
359 restricted employer within 90 days before the expiration of the
360 officer's term of office, if the officer does not seek
361 reappointment, or within 90 days before the officer's or
362 employee's termination or retirement date, if he or she provides
363 notice of termination or retirement to the head of his or her
364 agency, the general counsel or inspector general of his or her
365 agency, or any other officer or attorney designated by the head
366 of his or her agency.

367 (b) If a covered officer or reporting employee has been
368 notified by his or her appointing authority or employing agency
369 that he or she will be discharged from office or dismissed or
370 terminated from employment, he or she may solicit a future
371 employment or contractual relationship from or negotiate a
372 future employment or contractual relationship with a restricted
373 employer at any time after such notice but not sooner than 180
374 days before his or her employment is scheduled to end.

375 (c) A covered officer or reporting employee must disclose

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376 to the head of his or her agency, the general counsel or
377 inspector general of his or her agency, or any other officer or
378 attorney designated by the head of his or her agency any offer
379 of an employment or contractual relationship from a restricted
380 employer. After such disclosure, a covered officer or reporting
381 employee may negotiate an employment or contractual relationship
382 with the restricted employer if expressly authorized by the head
383 of his or her agency or the agency head's authorized designee.
384 Permission may be withheld only if the agency head or his or her
385 authorized designee determines such negotiation poses an actual
386 or potential conflict with the interests of the state or the
387 agency.

388 (d) This subsection does not authorize the solicitation of
389 an employment or contractual relationship otherwise prohibited
390 by general law.

391 (9)-(8) Subsections (1)-(6) of this section only apply ~~is~~
392 not applicable to an any employee of the Public Service
393 Commission who ~~is was so~~ employed on or after July 1, 2021
394 ~~before December 31, 1994.~~

395 Section 5. Paragraphs (a), (f), and (h) of subsection (1),
396 subsection (3), paragraph (a) of subsection (5), and subsections
397 (7) and (8) of section 112.3215, Florida Statutes, are amended,
398 and subsection (15) of that section is reenacted, to read:

399 112.3215 Lobbying before the executive branch or the
400 Constitution Revision Commission; registration and reporting;

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401 investigation by commission.—

402 (1) For the purposes of this section:

403 (a) "Agency" means the Governor; the~~the~~ Governor and
404 Cabinet;~~or~~ any department, division, bureau, board,
405 commission, or authority of the executive branch; the State
406 Board of Education; the Board of Governors of the State
407 University System; or. In addition, "agency" shall mean the
408 Constitution Revision Commission as provided by s. 2, Art. XI of
409 the State Constitution.

410 (f) "Lobbying" ~~"Lobbies"~~ means seeking, on behalf of
411 another person, to influence an agency with respect to a
412 decision of the agency in the area of policy or procurement or
413 an attempt to obtain the goodwill of an agency official or
414 employee. "Lobbying" ~~"Lobbies"~~ also means influencing or
415 attempting to influence, on behalf of another, the Constitution
416 Revision Commission's action or nonaction through oral or
417 written communication or an attempt to obtain the goodwill of a
418 member or employee of the Constitution Revision Commission.

419 (h) "Lobbyist" means a person who is employed and receives
420 payment, or who contracts for economic consideration, for the
421 purpose of lobbying, or a person who is principally employed for
422 governmental affairs by another person or governmental entity to
423 lobby on behalf of that other person or governmental entity. The
424 term "principally employed for governmental affairs" means that
425 one of the principal or most significant responsibilities of the

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employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An officer or employee of an agency, ~~or of~~ a legislative or judicial branch entity, or a political subdivision of this state acting in the normal course of his or her office or duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who seeks ~~lobbies~~ to procure a contract under ~~pursuant to~~ chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017.

(3) A person may not lobby an agency until such person has electronically registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. The commission shall request authorization from the principal with the principal's name, business address, e-mail address, and telephone number to confirm that the registrant is authorized to

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451 represent the principal. ~~Upon registration the person shall~~
452 ~~provide a statement signed by the principal or principal's~~
453 ~~representative that the registrant is authorized to represent~~
454 ~~the principal.~~ The principal or principal's representative shall
455 also identify and designate its main business pursuant to the
456 North American Industry Classification System six-digit
457 numerical code that most accurately describes the principal's
458 main business. Registration is not complete until the commission
459 receives the principal's authorization and the registration fee
460 ~~on the statement authorizing that lobbyist pursuant to a~~
461 ~~classification system approved by the commission.~~ The
462 registration must ~~shall~~ require each lobbyist to attest to
463 ~~disclose, under oath,~~ the following information:

464 (a) His or her full legal name, e-mail address, telephone
465 number, Name and business address;

466 (b) The name, business address, and telephone number of
467 the lobbying firm on behalf of which the registrant is
468 representing the principal, if any;

469 (c) ~~(b)~~ The full name, e-mail address, telephone number,
470 and business address of each principal represented;

471 ~~(c) His or her area of interest;~~

472 (d) The agencies before which he or she will appear; and

473 (e) The existence of any direct or indirect business
474 association, partnership, or financial relationship with any
475 employee of an agency with which he or she lobbies, or intends

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to lobby, as disclosed in the registration.

(5)(a)1. Each lobbying firm shall file a compensation report with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, e-mail address, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

a. Full name, e-mail address, business address, and telephone number of the principal; and

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded

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up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(7) A lobbyist shall promptly send a written statement to the commission canceling the designation of ~~registration for~~ a principal in his or her registration upon termination of such ~~the lobbyist's representation of that principal~~. The commission may cancel a lobbyist's designation of a principal upon the principal's notification that the lobbyist is no longer authorized to represent the principal ~~Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.~~

(8) (a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered

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526 | by this section has failed to register, has failed to submit a
527 | compensation report, has made a prohibited expenditure, or has
528 | knowingly submitted false information in any report or
529 | registration required in this section.

530 | (b) All proceedings, the complaint, and other records
531 | relating to the investigation are confidential and exempt from
532 | the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
533 | Constitution, and any meetings held pursuant to an investigation
534 | are exempt from the provisions of s. 286.011(1) and s. 24(b),
535 | Art. I of the State Constitution either until the alleged
536 | violator requests in writing that such investigation and
537 | associated records and meetings be made public or until the
538 | commission determines, based on the investigation, whether
539 | probable cause exists to believe that a violation has occurred.

540 | (c) The commission shall investigate any lobbying firm,
541 | lobbyist, principal, agency, officer, or employee upon receipt
542 | of information from a sworn complaint or from a random audit of
543 | lobbying reports indicating that the individual or entity has
544 | intentionally failed to disclose any material fact or has
545 | knowingly submitted false information in any report required by
546 | this section or by rules adopted pursuant to this section ~~a~~
547 | ~~possible violation other than a late-filed report.~~

548 | (d) Notwithstanding paragraphs (a)-(c), the commission may
549 | dismiss any complaint or investigation resulting from a random
550 | audit of lobbying reports, at any state of disposition, if it

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determines that the public interest is not served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

~~(e)-(d)~~1. Records relating to an audit conducted under ~~pursuant to~~ this section or an investigation conducted under ~~pursuant to~~ this section or s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Any portion of a meeting wherein such investigation or audit is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

3. The exemptions no longer apply if the lobbying firm requests in writing that such investigation and associated records and meetings be made public or the commission determines there is probable cause that the audit reflects a violation of the reporting laws.

(15) The commission shall adopt rules to administer this section, which shall prescribe forms for registration and compensation reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

Section 6. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.—The corporation is the legal successor in all respects to the

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agency, is obligated to the same extent as the agency under any agreements existing on December 31, 1997, and is entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4), the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. ~~Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation.~~

Section 7. This act shall take effect July 1, 2021.